MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2022/2023

UAL 2612 – ADMINISTRATIVE LAW

(All Sections / Groups)

7 OCTOBER 2023
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. Answer **ONE** questions in **PART A** and **ALL** questions in **PART B**. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN AND ORIGINAL COPY of the following statutes into the exam venue:
   i. Rules of Court 2012
   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

PART A:

ANSWER ANY ONE (1) QUESTION ONLY

QUESTION 1

Aom is unhappy with the local town council in the town where she is residing.

She is of the opinion that the town council has failed to perform some functions that the town council is statutorily bound to perform.

Aom is also unhappy with some decisions of the town council. She feels that these decisions made were beyond the powers granted to the town council and are unreasonable decisions. An example would be the closure of the roads in town on certain days to facilitate tourism activities. Aom has a small food stall in town and her business has been badly affected by the closure of the roads.

Aom is now consulting you on the possible remedies available to an aggrieved party under administrative law.

Advise Aom with reference to the necessary case laws and statutory provisions.

(Total: 25 marks)

QUESTION 2

Supertv Berhad was formed under the Companies Act 2013 to provide television broadcasting services. The company is a wholly owned subsidiary of the Ministry of Communications and Digital and is publicly funded. On January 2023, Supertv Berhad opened a tender for a PA system to be used during their *'Malam Sambutan Gala 2023'*. The details of the tender were posted on their website. Azlan applied for the tender on the 6th of February 2023 before the closing date. No money was paid for the application of the tender. On the 1st of June 2023, he received a letter from Supertv Berhad stating that his application was unsuccessful. It was later found out that he had lost the tender to a newly formed company that belonged to Supertv Berhad's Managing Director's son-in-law. He was dissatisfied with the decision and wanted to consult a lawyer. Unfortunately, up until now, he could not consult a lawyer due to financial difficulties. He would like to know whether he can still file his claim and the relevant procedures to do so.

Last week, Azlan's sister, Aleena was summoned as a witness for a public inquiry concerning human trafficking. However, the validity of her statement was challenged as she only managed to give a recollection of interview statements during her encounter with one of the human trafficking victims. In addition, assuming that one of the victims wishes to sue the alleged trafficker in court, can the public inquiry continue?

By applying the relevant laws, advise Azlan and Aleena respectively.

(Total: 25 marks)

Continued...

PART B:

ANSWER ALL THE QUESTIONS

QUESTION 3

Discuss the history and current position of ouster clauses in Malaysia. In your opinion, should ouster clauses be abolished? Support your answer with the relevant authorities.

(Total: 25 marks)

QUESTION 4

The courts have created proportionality as a new ground for judicial review to supplement the existing grounds of illegality, irrationality, and procedural impropriety. However, confusion may sometimes arise as to the difference between irrationality and proportionality as grounds for judicial review due to their similarities.

Discuss these two grounds of judicial review. Compare proportionality with irrationality as a ground for judicial review. Cite the necessary case laws.

(Total: 25 marks)

QUESTION 5

Discuss the application of the rules of natural justice in Malaysia. Refer to the necessary case laws.

(Total: 25 marks)

End of Page